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Patent application/patent No. (please use a separate form for each application)

03 EP 04804628.8 PCT 03

	Code		Currency	Amount
04	001	Filing fee - EP direct	EUR	
05	002	Search fee	EUR	
06	005	Designation fee(s) <sup>3</sup>	EUR	
07	015	Claims fee(s) (Rules 45(1), 162(1) EPC)	EUR	
08	055	Additional copy	EUR	
09	008	Examination fee	EUR	
10	007	Fee for grant including fee for printing (up to 35 pages)	EUR	
11	008	Additional fee for printing (more than 35 pages)	EUR	
12	033	Renewal fee for the 3rd year	EUR	
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14	035	Renewal fee for the 5th year	EUR	
15	020	Filing fee - entry EP phase	EUR	
16		Extension fee(s) for *:	EUR	
17	122	Fee for further processing	EUR	210.00
18			EUR	
19			EUR	
20			EUR	
21			EUR	
22		Total	EUR	210.00

Signature *A. Kees* (GA 17122)

The Hague (NL), 1 October 2008  
Place, date

EPO 1010 04.08

Explanations 1 - 4 see overleaf.



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For any questions about  
this communication:

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Date	01-08-2008
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Reference TS 7640 EPC P	Application No./Patent No. 04804628.8 - 1263 / 1706628
Applicant/Proprietor SHELL INTERNATIONALE RESEARCH MAATSCHAPPIJ B.V.	

#### Noting of loss of rights pursuant to Rule 112(1) EPC

The European patent application is deemed to be withdrawn under Article 94(4) EPC, because the invitation to file observations on the communication from the Examining Division dated 15.02.08 was not complied with.

#### Means of redress

##### Request for a decision (R. 112(2) EPC)

If the applicant considers that the finding of the European Patent Office is inaccurate, he may, within a (non-extendable) period of **two months** after notification of this communication, apply in writing for a decision on the matter. The application can only lead to the finding being reversed if this does not actually correspond to the factual or legal situation.

##### Further processing (Art. 121 EPC)

The legal consequence of the failure to observe the time limit shall be deemed not to have ensued if, within a (non-extendable) period of **two months** after notification of this communication, further processing is requested by payment of the fee prescribed under Article 2(12) of the Rules relating to Fees and the omitted act is completed (R. 135(1) EPC).

##### Important note to users of the automatic debiting procedure

The fee for further processing will be debited automatically on the day on which the above-mentioned omitted act is completed (see Arrangements for the automatic debiting procedure, Supplement to OJ EPO 10/2007).

#### For the Examining Division



Registered letter

EPO Form 2021A 12.07 25.07.08

ADWI 11



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Application No. 04 804 628.8 - 1263	Ref. TS 7640 EPC P	Date 15.02.2008
Applicant SHELL INTERNATIONALE RESEARCH MAATSCHAPPIJ B.V.		

**Communication pursuant to Article 94(3) EPC**

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(2) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

**of 4 months**

from the notification of this communication, this period being computed in accordance with Rules 126(2) and 131(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (R. 50(1) EPC).

**Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Art. 94(4) EPC).**



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Enclosure(s): 2 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**:

**Description, Pages**

1, 3-13	as published			
2, 2a	received on	05.02.2008	with letter of	05.02.2008

**Claims, Numbers**

1-13	received on	05.02.2008	with letter of	05.02.2008
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**Drawings, Sheets**

1/2, 2/2	as published
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- 1 The amendments introduced with letter dated 05.02.2008 meet the requirements of Article 123(2) EPC.
  
- 2 However, the subject-matter of **independent claim 1** as presently on file is not new (Article 54(1) and (2) EPC).
  - 2.1 As reasoned in the previous communication, document D1 discloses all the features of claim 1 as originally filed. In this previous communication and in the search report it was considered that document D1 does not disclose an NO<sub>x</sub> abatement system according to the features of claim 5 as originally filed. This opinion has to be revised. From the disclosure in D1 on page 6, paragraph 57 and figure 1 it is clear that the "SOFC effluent 70 preferably enters a catalytic converter 90 in order to obtain extremely low, nearly zero emissions of hydrocarbons **and nitric oxide**", i.e. NO<sub>x</sub>. Thus, catalytic converter 90, which can be e.g. a conventional three-way catalyst, reduces NO<sub>x</sub> to N<sub>2</sub>, cf. also figure 1, reference 119 downstream of converter 90 and therefore operates as a NO<sub>x</sub> abatement system according to the features of claim 1.
  
  - 2.2 It is noted that D1 does not explicitly disclose a NO<sub>x</sub> abatement system according to the features of **dependent claims 5-8** as presently on file. However, document D1 teaches to use any suitable exhaust gas aftertreatment system. NO<sub>x</sub> abatement systems according to claims 5-8 are well known in the prior art (cf. document D2). Starting from D1 as closest prior art (cf. Guidelines, C-IV, 11.7.1), the skilled person would consider the teaching of D2 in order to improve the exhaust gas aftertreatment

system disclosed in D1.

- 3 It is suggested to the applicant to investigate whether the combination of features of **claims 1, 5 and 10** (i.e. the combination of a NOx reducing catalyst and NOx sorbent with an EGR system) as presently on file would meet the requirements of the EPC.
- 4 The applicant is requested to file new claims which take account of the above comments.